

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

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**ORDER R4-2018-XXXX  
NPDES NO. CA0110175**

**WASTE DISCHARGE REQUIREMENTS  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
FOR THE UNITED STATES NAVY, NAVY AUXILIARY LANDING FIELD, SAN CLEMENTE ISLAND  
WASTEWATER TREATMENT PLANT, LOS ANGELES COUNTY  
DISCHARGE TO THE PACIFIC OCEAN VIA OUTFALL 002**

The following Discharger is subject to waste discharge requirements (WDRs) set forth in this Order:

**Table 1. Discharger Information**

<b>Discharger</b>	United States Navy
<b>Name of Facility</b>	San Clemente Island Wastewater Treatment Plant, collection system, and outfall
<b>Facility Address</b>	Navy Auxiliary Landing Field, San Clemente Island
	San Clemente Island
	Los Angeles County

**Table 2. Discharge Location**

<b>Discharge Point</b>	<b>Effluent Description</b>	<b>Discharge Point Latitude (North)</b>	<b>Discharge Point Longitude (West)</b>	<b>Receiving Water</b>
002	Secondary and Tertiary Treated Wastewater	33.00546°	-118.055083°	Pacific Ocean

**Table 3. Administrative Information**

This Order was adopted on:	<b>November 08, 2018</b>
This Order shall become effective on:	<b>January 01, 2019</b>
This Order shall expire on:	<b>December 31, 2024</b>
The Discharger shall file a Report of Waste Discharge as an application for reissuance of WDRs in accordance with title 23, California Code of Regulations, and an application for reissuance of a National Pollutant Discharge Elimination System (NPDES) permit no later than:	<b>180 days prior to the Order expiration date</b>
The U.S. Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, Los Angeles Region, have classified this discharge as follows:	<b>Minor discharge</b>

I, Deborah J. Smith, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on **November 08, 2018**.

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Deborah J. Smith, Executive Officer

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## I. FACILITY INFORMATION

Information describing the San Clemente Island Wastewater Treatment Plant (Facility or SCI WWTP) is summarized in Table 1 and in sections I and II of the Fact Sheet (Attachment F). Section I of the Fact Sheet also includes information regarding the Facility's permit application.

## II. FINDINGS

The California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board), finds:

- A. **Legal Authorities.** This Order serves as waste discharge requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This Order is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the United States Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the Water Code (commencing with section 13370). It shall serve as a National Pollutant Discharge Elimination System (NPDES) permit authorizing the Discharger to discharge into waters of the United States at the discharge location described in Table 2 subject to the WDRs in this Order.
- B. **Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for the requirements in this Order, is hereby incorporated into and constitutes Findings for this Order. Attachments A through E and G through I are also incorporated into this Order.
- C. **Provisions and Requirements Implementing State Law.** The provisions/requirements in subsections IV.B, IV.C, and V.B are included to implement state law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.
- D. **Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of the notification are provided in the Fact Sheet.
- E. **Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet.

**THEREFORE, IT IS HEREBY ORDERED**, that this Order supersedes Order No. R4-2013-0111 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order. This action in no way prevents the Regional Water Board from taking enforcement action for violations of the previous Order.

## III. DISCHARGE PROHIBITIONS

- A. The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into the ocean is prohibited.
- B. Pipeline discharge of sludge to the ocean is prohibited by federal law. The discharge of municipal and industrial waste sludge directly to the ocean, or into a waste stream that discharges to the ocean, is prohibited by the California Ocean Plan. The discharge of sludge

digester supernatant directly to the ocean, or to a waste stream that discharges to the ocean without further treatment, is prohibited.

- C. The bypassing of untreated wastes containing concentrations of pollutants in excess of those in Table 1 or Table 2 of the California Ocean Plan is prohibited.
- D. Waste shall not be discharged to a designated Area of Special Biological Significance (ASBS). On March 21, 1974, the State Water Resources Control Board (State Water Board) designated the ocean waters off San Clemente Island to a depth of 300 feet or a distance of one nautical mile, whichever is greater, as an ASBS. This designation required the United States Navy (Navy) to phase out its existing discharges to the ASBS. In lieu of ceasing its discharge, the Navy requested that the State Water Board modify the ASBS boundaries to exclude certain zones. On November 01, 1976, the State Water Board held a public hearing to consider the Navy's request. Evidence presented at the hearing did not support exclusion of any zones identified by the Navy but it did support an action by the State Water Board to allow waste disposal at the existing location under limited conditions. The State Water Board adopted Resolution No. 77-11 on February 17, 1977, to authorize its Executive Officer to request that USEPA modify the Navy's NPDES ~~Order permit to permit allow~~ the discharge under the following conditions:
  - 1. Provide secondary treatment;
  - 2. Comply with the Ocean Plan;
  - 3. Comply with effluent limits based on the existing monthly average daily flow (25,000,025 million gallons per day (mgd)), rather than treatment plant capacity, including a daily maximum for five-day BOD not to exceed 19 pounds per day (PPD).
  - 4. Demonstrate through monitoring that the effluent: 1) does not alter natural water quality (that is, it is undetectable) beyond a radius of 1,000 feet from the outfall's terminus and 2) complies with Ocean ~~planPlan~~-based limitations; and,
  - 5. Comply with Resolution No. 77-11.

The Navy has complied with the exception up to now, except for effluent violations as described in the Fact Sheet. The discharge from the tertiary treatment plant will comply with the secondary treatment requirement. If the Navy cannot comply with the conditions, then the Navy is subject to the existing Ocean Plan prohibition of discharges to an ASBS. Section III.J.1 of the Ocean Plan allows the State Water Board to grant exceptions provided that the exception "will not compromise protection of ocean waters for beneficial uses, and the public interest will be served." Prior to granting an exception, the State Water Board must hold a public hearing and comply with the California Environmental Quality Act (CEQA). Exceptions also require USEPA concurrence.

- F. The treatment, use and disposal of sewage sludge shall be carried out in the manner found to have the least adverse impact on the total natural and human environment.
- G. The bypass or overflow of untreated or partially treated wastewater, or wastes to surface waters or surface water drainage courses is prohibited, except as allowed in Standard Provision I.G. of Attachment D, Standard Provisions.
- H. Discharge of treated wastewater at a location different from that described in this Order is prohibited.
- I. The discharge of trash to surface waters of the State or the deposition of trash where it may be discharged into surface waters of the State is prohibited.

#### IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

##### A. Effluent Limitations and Performance Goals – Discharge Point 002

Effluent limitations for Discharge Point 002 are specified below. The discharge of treated wastewater with constituents in excess of effluent limitations is prohibited.

The performance goals for Discharge Point 002 are prescribed below in this Order. Performance goals are based upon actual performance data for the SCI WWTP and are specified only as an indication of the treatment efficiency of the plant. They are not considered enforceable effluent limitations or standards for the plant. The Discharger shall maintain, if not improve, the effluent quality at or below the performance goal concentrations. Any two consecutive exceedances of the performance goals shall trigger an investigation into the cause of the exceedance. If the exceedance persists in three successive monitoring periods, the Discharger shall submit a written report to the Regional Water Board on the nature of the exceedance, the results of the investigation including the cause of the exceedance, the corrective actions taken, any proposed corrective measures, and a timetable for implementation, if necessary. The Executive Officer of the Regional Water Board may modify any of the performance goals if the Discharger submits a request and demonstrates that the change is warranted.

##### 1. Final Effluent Limitations – Discharge Point 002

- a. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 002, with compliance measured at Monitoring Location EFF-001 as described in the Monitoring and Reporting Program, Attachment E:

**Table 4. Final Effluent Limitations and Performance Goals**

Parameter	Units	Effluent Limitations <sup>1</sup>					Performance Goals
		Average Monthly <sup>2</sup>	Average Weekly	Maximum Daily <sup>3</sup>	Instantaneous Minimum	Instantaneous Maximum <sup>4</sup>	Average Monthly
Biochemical Oxygen Demand (BOD <sub>5</sub> 20°C)	mg/L	30	45	--	--	--	--
	lbs/day <sup>5</sup>	6.3	9.4	19	--	--	--
Total Suspended Solids (TSS)	mg/L	30	45	--	--	--	--
	lbs/day <sup>5</sup>	6.3	9.4	19	--	--	--

- <sup>1</sup> The minimum dilution ratio used to calculate effluent limitations for nonconventional and toxic pollutants for Discharge Point 002 is 136:1 (i.e. 136 parts seawater to one part effluent).
- <sup>2</sup> For intermittent discharges, the daily value used to calculate the average monthly value shall be considered to equal zero for days on which no discharge occurred.
- <sup>3</sup> The maximum daily effluent limitations shall apply to flow weighted 24-hour composite samples.
- <sup>4</sup> The instantaneous maximum effluent limitations shall apply to grab samples.
- <sup>5</sup> The mass emission rates are calculated using a maximum flow rate of 0.025 mgd, consistent with the water-quality based limits in the previous permit: lbs/day = 0.00834 x Ce (effluent concentration in µg/L) x Q (flow rate in mgd). During storm events when flow exceeds 0.025 mgd, the mass emission rate limitations shall not apply.

Parameter	Units	Effluent Limitations <sup>1</sup>					Performance Goals
		Average Monthly <sup>2</sup>	Average Weekly	Maximum Daily <sup>3</sup>	Instantaneous Minimum	Instantaneous Maximum <sup>4</sup>	Average Monthly
Removal Efficiency for TSS	%	85 <sup>6</sup>	--	--	--	--	--
Removal Efficiency for BOD	%	85 <sup>6</sup>	--	--	--	--	--
Temperature	°F	--	--	--	--	100	--
pH	standard units	--	--	--	6.0	9.0	--
Oil and Grease	mg/L	25	40	--	--	75	--
	lbs/day <sup>5</sup>	5.2	8.3	--	--	15	--
Settleable Solids	mL/L	1.0	1.5	--	--	3.0	--
Turbidity	NTU	75	100	--	--	225	--
<b>Marine Aquatic Life Toxicants</b>							
Arsenic	µg/L	--	--	--	--	--	3.0
Cadmium	µg/L	--	--	--	--	--	1.0
Chromium (VI)	µg/L	--	--	--	--	--	25
Copper	µg/L	139	--	1,370	--	3,840	--
	lbs/day <sup>5</sup>	0.029	--	0.29	--	0.80	--
Lead	µg/L	--	--	--	--	--	2.5
Mercury	µg/L	--	--	--	--	--	2.5
Nickel	µg/L	--	--	--	--	--	8.0
Selenium	µg/L	--	--	--	--	--	1.1
Silver	µg/L	--	--	--	--	--	1.0
Zinc	µg/L	1,650	--	9,870	--	26,310	--
	lbs/day <sup>5</sup>	0.34	--	2.1	--	5.5	--
Cyanide	µg/L	--	--	--	--	--	27
Ammonia as Nitrogen	mg/L	--	--	--	--	--	6.4

<sup>6</sup> The removal efficiency final effluent limitation does not apply in situations where the concentration of the influent wastewater is too low to meet the 85% removal, per 40 CFR 133.103(d), so long as the Discharger satisfactorily demonstrates that (1) the treatment works is consistently meeting or will consistently meet, the final effluent limitations for BOD and TSS; (2) if the Discharger would have to achieve significantly more stringent limitations than would otherwise be required by the concentration-based standards to meet the percent removal requirements; and (3) the less concentrated influent is not the result of excessive inflow and infiltration (I/I). The wastewater will be considered the result of excessive I/I if the total flow to the FOTW (i.e., wastewater plus I/I) is less than 275 gallons per capita per day and is consistent with the definition in 40 CFR 35.2005(b)(16). This demonstration must be made in the monitoring reports.

Parameter	Units	Effluent Limitations <sup>1</sup>					Performance Goals
		Average Monthly <sup>2</sup>	Average Weekly	Maximum Daily <sup>3</sup>	Instantaneous Minimum	Instantaneous Maximum <sup>4</sup>	Average Monthly
Total Residual Chlorine <sup>7</sup>	mg/L	0.274	--	0.1 <sup>8</sup>	--	8.2	--
	lbs/day <sup>5</sup>	0.06	--	0.021	--	1.7	
Chronic Toxicity <sup>9,10</sup> (TST)	Pass or Fail	--	--	Pass	--	--	--
Phenolic compounds (non-chlorinated) <sup>11</sup>	µg/L	--	--	--	--	--	5.0
Phenolic compounds (chlorinated) <sup>11</sup>	µg/L	--	--	--	--	--	5.0
Endosulfan <sup>11</sup>	µg/L	--	--	--	--	--	0.05
Endrin	µg/L	--	--	--	--	--	0.05
Hexachloro-cyclohexane (HCH) <sup>11</sup>	µg/L	--	--	--	--	--	0.025
Radioactivity							
Gross alpha	pCi/L	--	--	--	--	--	12
Gross beta	pCi/L	--	--	--	--	--	11
<b>Human Health Toxicants – Noncarcinogens</b>							
Acrolein	µg/L	--	--	--	--	--	25

- <sup>7</sup> These total chlorine residual final effluent limitations shall only apply to continuous discharges exceeding two hours. For intermittent discharges not exceeding two hours, final effluent limitations for total chlorine residual shall be determined using the procedures outlined in section III.C.4.a of the Ocean Plan, a minimum dilution ratio of 136:1, the water quality objectives in Table 1 of the Ocean Plan, and the following equation:

$$\text{Log } y = -0.43(\text{log } x) + 1.8$$

Where  $y$  = the water quality objective (in µg/L) to apply when chlorine is being discharged

$x$  = duration of uninterrupted chlorine discharge in minutes

- <sup>8</sup> The total chlorine residual final effluent limitation was carried over from Order No. R4-2013-0111 per 40 CFR 122.44(l)(1).
- <sup>9</sup> The Chronic Toxicity final effluent limitation is protective of both the numeric acute and chronic toxicity 2015 Ocean Plan water quality objectives. The final effluent limitation will be implemented using *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (EPA/600/R-95/136, 1995), current USEPA guidance in the *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, June 2010) ([http://www3.epa.gov/npdes/pubs/wet\\_final\\_tst\\_implementation2010.pdf](http://www3.epa.gov/npdes/pubs/wet_final_tst_implementation2010.pdf)) and *EPA Regions 8, 9, and 10, Toxicity Training Tool* (January 2010).
- <sup>10</sup> The Maximum Daily Effluent Limitation (MDEL) shall be reported as "Pass" or "Fail." See section V.A.5.a of the MRP.
- <sup>11</sup> See section VII of this Order and Attachment A for definition of terms.

Parameter	Units	Effluent Limitations <sup>1</sup>					Performance Goals
		Average Monthly <sup>2</sup>	Average Weekly	Maximum Daily <sup>3</sup>	Instantaneous Minimum	Instantaneous Maximum <sup>4</sup>	Average Monthly
Antimony	µg/L	--	--	--	--	--	1.9
Bis(2-chloroethoxy) methane	µg/L	--	--	--	--	--	25
Bis(2-chloroisopropyl) ether	µg/L	--	--	--	--	--	10
Chlorobenzene	µg/L	--	--	--	--	--	10
Chromium (III)	µg/L	--	--	--	--	--	2.5
Di-n-butylphthalate	µg/L	--	--	--	--	--	50
Dichlorobenzenes <sup>11</sup>	µg/L	--	--	--	--	--	5.0
Diethyl phthalate	µg/L	--	--	--	--	--	10
Dimethyl phthalate	µg/L	--	--	--	--	--	10
4,6-dinitro-2-methylphenol	µg/L	--	--	--	--	--	25
2,4-dinitrophenol	µg/L	--	--	--	--	--	25
Ethylbenzene	µg/L	--	--	--	--	--	10
Fluoranthene	µg/L	--	--	--	--	--	0.25
Hexachlorocyclopentadiene	µg/L	--	--	--	--	--	25
Nitrobenzene	µg/L	--	--	--	--	--	5.0
Thallium	µg/L	--	--	--	--	--	5.0
Toluene	µg/L	--	--	--	--	--	10
Tributyltin	ng/L	--	--	--	--	--	3.9
1,1,1-Trichloroethane	µg/L	--	--	--	--	--	10
<b>Human Health Toxicants – Carcinogens</b>							
Acrylonitrile	µg/L	--	--	--	--	--	10
Aldrin	µg/L	--	--	--	--	--	0.003
Benzene	µg/L	--	--	--	--	--	10
Benzidine	µg/L	--	--	--	--	--	0.0095
Beryllium	µg/L	--	--	--	--	--	2.5
Bis(2-chloroethyl) ether	µg/L	--	--	--	--	--	5.0
Bis(2-ethylhexyl) phthalate	µg/L	--	--	--	--	--	39
Carbon tetrachloride	µg/L	--	--	--	--	--	10
Chlordane <sup>11</sup>	µg/L	--	--	--	--	--	0.0032
Chlorodibromomethane	µg/L	--	--	--	--	--	22



Parameter	Units	Effluent Limitations <sup>1</sup>					Performance Goals
		Average Monthly <sup>2</sup>	Average Weekly	Maximum Daily <sup>3</sup>	Instantaneous Minimum	Instantaneous Maximum <sup>4</sup>	Average Monthly
Chloroform	µg/L	--	--	--	--	--	51
DDT	µg/L	--	--	--	--	--	0.023
1,4-dichloro-benzene	µg/L	--	--	--	--	--	10
3,3'-dichloro-benzidine	µg/L	--	--	--	--	--	1.0
1,2-dichloroethane	µg/L	--	--	--	--	--	10
1,1-dichloro-ethylene	µg/L	--	--	--	--	--	10
Dichlorobromo-methane	µg/L	--	--	--	--	--	39
Dichloro-methane	µg/L	--	--	--	--	--	10
1,3-dichloropropene	µg/L	--	--	--	--	--	10
Dieldrin	µg/L	--	--	--	--	--	0.0055
2,4-dinitrotoluene	µg/L	--	--	--	--	--	25
1,2-diphenyl-hydrazine	µg/L	--	--	--	--	--	5.0
Halomethanes	µg/L	--	--	--	--	--	10
Heptachlor	µg/L	--	--	--	--	--	0.0069
Heptachlor epoxide	µg/L	--	--	--	--	--	0.0027
Hexachloro-benzene	µg/L	--	--	--	--	--	0.029
Hexachloro-butadiene	µg/L	--	--	--	--	--	5.0
Hexachloro-ethane	µg/L	--	--	--	--	--	5.0
Isophorone	µg/L	--	--	--	--	--	5.0
N-Nitroso-dimethylamine	µg/L	--	--	--	--	--	25
N-Nitrosodi-N-propylamine	µg/L	--	--	--	--	--	25
N-Nitroso-diphenylamine	µg/L	--	--	--	--	--	5.0
Polycyclic Aromatic Hydrocarbons (PAHs) <sup>11</sup>	µg/L	--	--	--	--	--	0.25

Parameter	Units	Effluent Limitations <sup>1</sup>					Performance Goals
		Average Monthly <sup>2</sup>	Average Weekly	Maximum Daily <sup>3</sup>	Instantaneous Minimum	Instantaneous Maximum <sup>4</sup>	Average Monthly
Total Polychlorinated Biphenyls (PCBs) <sup>11</sup>	µg/L	--	--	--	--	--	0.0026
TCDD Equivalents <sup>11</sup>	pg/L	0.53	--	--	--	--	--
	lbs/day <sup>5</sup>	1.1x10 <sup>-10</sup>	--	--	--	--	--
1,1,2,2-Tetrachloroethane	µg/L	--	--	--	--	--	10
Tetrachloroethylene	µg/L	--	--	--	--	--	10
Toxaphene	µg/L	--	--	--	--	--	0.029
Trichloroethylene	µg/L	--	--	--	--	--	10
1,1,2-Trichloroethane	µg/L	--	--	--	--	--	10
2,4,6-Trichlorophenol	µg/L	--	--	--	--	--	40
Vinyl chloride	µg/L	--	--	--	--	--	10

- b. **Radioactivity:** Not to exceed limits specified in Title 17, Division 1, Chapter 5, Subchapter 4, Group 3, Article 3, Section 30253 of the California Code of Regulations. Reference to section 30253 is prospective, including future changes to any incorporated provisions of federal law, as the changes take effect.
- c. Waste discharged to the ocean must be essentially free of:
  - i. Material that is floatable or will become floatable upon discharge.
  - ii. Settleable material or substances that may form sediments which will degrade benthic communities or other aquatic life.
  - iii. Substances that will accumulate to toxic levels in marine waters, sediments or biota.
  - iv. Substances that significantly decrease the natural light to benthic communities and other marine life.
  - v. Materials that result in aesthetically undesirable discoloration of the ocean surface.

## 2. Interim Effluent Limitations – Not Applicable

### B. Land Discharge Specifications – Not Applicable

### C. Recycling Specifications

Recycling specifications are not established in this Order but the Navy produces and reuses recycled water under Order No. R4-2015-0107.

## V. RECEIVING WATER LIMITATIONS

The Discharger shall not cause a violation of the following water quality objectives. Compliance with these water quality objectives shall be determined by samples collected at stations outside the zone of initial dilution as specified in the MRP.

### A. Surface Water Limitations

#### 1. Bacterial Characteristics

##### a. State/Regional Water Board Contact Standards

Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for water contact sports, as determined by the Regional Water Board (i.e., waters designated as REC-1), but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column.

##### i. 30-day Geometric Mean Limits

- (a) Total coliform density shall not exceed 1,000/100 mL.
- (b) Fecal coliform density shall not exceed 200/100 mL.
- (c) *Enterococcus* density shall not exceed 35/100 mL.

##### ii. Single Sample Maximum Limits (SSM)

- (a) Total coliform density shall not exceed 10,000/100 mL.
- (b) Fecal coliform density shall not exceed 400/100 mL.
- (c) *Enterococcus* density shall not exceed 104/100 mL.
- (d) Total coliform density shall not exceed 1,000/100 mL, if the ratio of fecal-to-total coliform exceeds 0.1.

The geometric mean values should be calculated based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period). If any of the single sample limits are exceeded, the Regional Water Board may require daily repeat sampling until the sample falls below the single sample limit to determine the persistence of the exceedance. When repeat sampling is required because of an exceedance of any one single sample limit, values from all samples collected during that 30-day period will be used to calculate the geometric mean.

During a wet-weather event, storm water runoff may impact the shoreline, inshore, and offshore stations. The day of rain (0.1 inch and greater) plus three following days' worth of bacteriology data should be excluded from single sample and geometric mean limits.

- b. The Initial Dilution Zone for any wastewater outfall shall be excluded from designation as kelp beds for purposes of bacterial standards. Adventitious assemblages of kelp plants on waste discharge structures (e.g., outfall pipes and diffusers) do not constitute kelp beds for purposes of bacterial standards.
- c. State Water Resources Control Board, Division of Drinking Water (DDW) Standards  
DDW has established minimum protective bacteriological standards for coastal waters adjacent to public beaches and for public water-contact sports areas in

ocean waters. These standards are found in the California Code of Regulations, Title 17, section 7958, and they are identical to the objectives contained in subsection ba, above. When a public beach or public water-contact sports area fails to meet these standards, DDW or the local public health officer may post with warning signs or otherwise restrict use of the public beach or public water-contact sports area until the standards are met. DDW regulations impose more frequent monitoring and more stringent posting and closure requirements on certain high-use public beaches that are located adjacent to a storm drain that flows in the summer.

For beaches not covered under AB 411 regulations (this incorporation by reference is prospective including future changes to the incorporated provisions as changes take effect), DDW imposes the same standards as contained in Title 17, California Code of Regulations, and requires weekly sampling but allows the county health officer more discretion in making posting and closure decisions.

## 2. Shellfish Harvesting Standards

At all areas where shellfish may be harvested for human consumption, as determined by the Regional Water Board, the following bacterial objectives shall be maintained throughout the water column: The median total coliform density shall not exceed 70 per 100 mL, and not more than 10 percent of the samples shall exceed 230 per 100 mL.

During a wet-weather event, storm water runoff may impact the shoreline, inshore, and offshore stations. The day of rain (0.1 inch and greater) plus three following days' worth of bacteriology data should be excluded from single sample and geometric mean limits.

## 3. Physical Characteristics

The waste discharged shall not:

- a. cause floating particulates and oil and grease to be visible;
- b. cause aesthetically undesirable discoloration on the ocean surface;
- c. significantly reduce the transmittance of natural light at any point outside the initial dilution zone; and
- d. change the rate of deposition of inert solids and the characteristics of inert solids in ocean sediments such that benthic communities are degraded.

## 4. Chemical Characteristics

The waste discharged shall not:

- a. cause the dissolved oxygen concentration at any time to be depressed more than 10 percent from that which occurs naturally, as a result of the discharge of oxygen demanding waste;
- b. change the pH of the receiving waters at any time more than 0.2 units from that which occurs naturally;
- c. cause the dissolved sulfide concentration of waters in and near sediments to be significantly increased above that present under natural conditions;
- d. cause concentration of substances (as set forth in Chapter II, Table 1 of the 2015 Ocean Plan) in marine sediments to be increased to levels that would degrade indigenous biota;
- e. cause the concentration of organic materials in marine sediments to be increased to levels that would degrade marine life;

- f. contain nutrients at levels that will cause objectionable aquatic growths or degrade indigenous biota;
  - g. cause total chlorine residual exceeding 0.1 mg/L in the receiving water and shall not persist in the receiving water at any concentration that causes impairment of beneficial uses as a result of the discharge;
  - h. produce concentrations of substances in the receiving water that are toxic to or cause detrimental physiological responses in human, animal, or aquatic life; and
  - i. contain individual pesticides or combinations of pesticides in concentrations that adversely affect beneficial uses; and
  - j. cause the numeric water quality objectives established in the Ocean plan to be exceeded outside the zone of initial dilution.
5. **Biological Characteristics**  
The waste discharged shall not:
- a. degrade marine communities, including vertebrate, invertebrate, and plant species;
  - b. alter the natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption;
  - c. cause the concentration of organic materials in fish, shellfish or other marine resources used for human consumption to bioaccumulate to levels that are harmful to human health; and
  - d. contain substances that result in biochemical oxygen demand that adversely affects the beneficial uses of the receiving water.
6. **Radioactivity**  
Discharge of radioactive waste shall not degrade marine life.

**B. Groundwater Limitations – Not Applicable**

**VI. PROVISIONS**

**A. Standard Provisions**

- 1. The Discharger shall comply with all Standard Provisions included in Attachment D.
- 2. **Regional Water Board Standard Provisions.** The Discharger shall comply with the following provisions. If there is any conflict, duplication, or overlap between provisions specified by this Order, the more stringent provision shall apply:
  - a. Neither the treatment nor the discharge of pollutants shall create a pollution, contamination, or nuisance as defined by section 13050 of the California Water Code (CWC).
  - b. Odors, vectors, and other nuisances of sewage or sludge origin beyond the limits of the treatment plant site or the sewage collection system due to improper operation of facilities, as determined by the Regional Water Board, are prohibited.
  - c. All facilities used for collection, transport, treatment, or disposal of wastes shall be adequately protected against damage resulting from overflow, washout, or inundation from a storm or flood having a recurrence interval of once in 100 years.
  - d. Collection, treatment, and disposal systems shall be operated in a manner that precludes public contact with wastewater.

- e. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Executive Officer of the Regional Water Board.
- f. The provisions of this Order are severable. If any provision of this Order or the application of any provision of this Order is found invalid, the remainder of this Order shall not be affected.
- g. Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the Discharger from any responsibilities, liabilities or penalties established pursuant to any applicable state law or regulation under authority preserved by section 510 of the CWA.
- h. Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the Discharger from any responsibilities, liabilities or penalties to which the Discharger is or may be subject to under section 311 of the CWA.
- i. Discharge of wastes to any point other than specifically described in this Order is prohibited.
- j. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to sections 301, 302, 303(d), 304, 306, 307, 316, 403, and 405 of the federal CWA and amendments thereto.
- k. These requirements do not exempt the operator of the waste disposal facility from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal facility; and they leave unaffected any further restraints on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.
- l. Oil or oily material, chemicals, refuse, or other polluting materials shall not be stored or deposited in areas where they may be picked up by rainfall and carried off the property and/or discharged to surface waters. Any such spill of such materials shall be contained and removed immediately.
- m. A copy of these waste discharge specifications shall be maintained at the discharge Facility and be available at all times to operating personnel.
- n. If there is any storage of hazardous or toxic materials or hydrocarbons at this Facility and if the Facility is not manned at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.
- o. The Discharger shall file with the Regional Water Board a Report of Waste Discharge at least 120 days before making any proposed change in the character, location or volume of the discharge.
- p. The Discharger shall comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Water Board to local agencies.
- q. In the event of any change in name, ownership, or control of these waste disposal facilities, the Discharger shall notify the Regional Water Board of such change and

shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Regional Water Board, 30 days prior to taking effect.

- r. The CWC provides that any person who violates a waste discharge requirement or a provision of the CWC is subject to civil penalties of up to \$5,000 per day, \$10,000 per day, or \$25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$25 per gallon per day of violation, or some combination thereof, depending on the violation, or upon the combination of violations. Violation of any of the provisions of the NPDES program or of any provisions of this Order may subject the violator to any of the penalties described herein, or any combinations thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.
- s. CWC section 13387 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained in this Order is subject to a fine of not more than \$25,000 or imprisonment of not more than two years, or both. For a second conviction, such a person shall be punished by a fine of not more than \$25,000 per day of violation, or by imprisonment of not more than four years, or by both.
- t. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream that ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this Order.
- u. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to planned discharge of any chemical, other than the products previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
  - i. Name and general composition of the chemical,
  - ii. Frequency of use,
  - iii. Quantities to be used,
  - iv. Proposed discharge concentrations, and
  - v. USEPA registration number, if applicable.
- v. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this facility, may subject the Discharger to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.
- w. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, effluent limitation, or receiving water limitation of this Order that may endanger health or the environment, the Discharger shall notify the Chief of the Watershed Regulatory Section at the Regional Water Board by telephone (213) 620-2083, or by fax at (213) 576-6660 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing to the

Regional Water Board within five days, unless the Regional Water Board waives confirmation. The written notification shall state the nature, time, duration, and cause of noncompliance, and shall describe the measures being taken to remedy the current noncompliance and, prevent recurrence including, where applicable, a schedule of implementation. The written notification shall also be submitted via email with reference to CI-6432 to [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov). Other noncompliance requires written notification as above at the time of the normal monitoring report.

- x. CWC section 13385(h)(i) requires the Regional Water Board to assess a mandatory minimum penalty of three-thousand dollars (\$3,000) for each serious violation. Pursuant to CWC section 13385(h)(2), a "serious violation" is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of Title 40 of the Code of Federal Regulations (40 CFR) § 123.45 specifies the Group I and II pollutants. Pursuant to CWC section 13385.1(a)(1), a "serious violation" is also defined as "a failure to file a discharge monitoring report required pursuant to section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations."
- y. CWC section 13385(i) requires the Regional Water Board to assess a mandatory minimum penalty of three-thousand dollars (\$3,000) for each violation whenever a person violates a waste discharge requirement effluent limitation in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations within that time period.
- z. Pursuant to CWC section 13385.1(d), for the purposes of section 13385.1 and subdivisions (h), (i), and (j) of section 13385, "effluent limitation" means a numeric restriction or a numerically expressed narrative restriction, on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an authorized location. An effluent limitation may be final or interim, and may be expressed as a prohibition. An effluent limitation, for these purposes, does not include a receiving water limitation, a compliance schedule, or a best management practice.

## **B. Monitoring and Reporting Program (MRP) Requirements**

The Discharger shall comply with the MRP, and future revisions thereto, in Attachment E.

## **C. Special Provisions**

### **1. Reopener Provisions**

- a. This Order may be reopened and modified to include an effluent limitation based on future reasonable potential analysis conducted using monitoring data collected by the Discharger and evaluated by the Regional Water Board.
- b. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR § 122 and 124, to incorporate requirements for the implementation of the watershed protection management approach.
- c. This Order may be modified, in accordance with the provisions set forth in 40 CFR § 122 to 124, to include new minimum levels (MLs).



- d. This Order may be reopened and modified to revise effluent limitations as a result of future Basin Plan Amendments or the adoption of a Total Maximum Daily Load (TMDL).
- e. The Regional Water Board may modify or revoke and reissue this Order if present or future investigations demonstrate that the discharge(s) governed by this Order will cause, have the potential to cause, or will contribute to adverse impacts on water quality and/or beneficial uses of the receiving waters.
- f. This Order may be modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR § 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order, endangerment to human health or the environment resulting from the permitted activity, or acquisition of newly obtained information which would have justified the application of different conditions if known at the time of Order adoption and issuance. The filing of a request by the Discharger for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- g. This Order may be modified, revoked and reissued, or terminated for cause, including, but not limited to:
  - i. Violation of any term or condition contained in this Order;
  - ii. Obtaining this Order by misrepresentation, or by failure to disclose fully all relevant facts; or
  - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- h. The filing of a request by the Discharger for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- i. If an applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of the CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, the Regional Water Board may institute proceedings under these regulations to modify or revoke and reissue the Order to conform to the toxic effluent standard or prohibition.
- j. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA, or amendments, thereto, the Regional Water Board will revise and modify this Order in accordance with such standards.
- k. This Order may be reopened and modified, to revise effluent limitations as a result of the delisting of a pollutant from the 303(d) list.
- l. This Order will be reopened and modified to the extent necessary, to be consistent with new policies, a new state-wide plan, new laws, or new regulations.
- m. This Order may be reopened and modified to incorporate new mass emission limitations based on the current SCI WWTP design capacity, provided that the Discharger complies with the requirements in the SCI WWTP ASBS exclusion/exception, and the Discharger requests and conducts an antidegradation analysis to demonstrate that the change is warranted.

- n. This Order may be reopened and modified to incorporate the requirement to develop a pretreatment program pursuant to 40 CFR 403.8(a) if the Regional Water Board Executive Officer determines that a pretreatment program is necessary to address the introduction of any pollutants into the Federally-Owned Treatment Works (FOTW) or any substantial change in the volume or character of pollutants in the discharge.

## 2. Special Studies, Technical Reports and Additional Monitoring Requirements

### a. Toxicity Reduction Requirements

The Discharger shall prepare and submit a copy of the Discharger's initial investigation TRE work plan in accordance with Monitoring and Reporting Program section V.A.6.

### b. ASBS Compliance

The Discharger shall monitor the water quality (at the boundary of the exclusion zone which is within 1,000 feet of the initial point of discharge) at a single down-current location, at the first trapping normal depth, to demonstrate that natural water quality is not altered in the ASBS outside of the exclusion zone in comparison to an unaffected reference site. Further details are in Attachment E (MRP).

### c. Evaluation of Minimum Initial Dilution

State Water Board Ocean Unit staff applied data from the California Cooperative Oceanic Fisheries Investigations nearshore stations surveyed in the summers 2010 and 2011 to evaluate the minimum initial dilution for Discharge Point 002. Based on the results, State Water Board staff agreed with the original Navy report suggesting 136 as the value for minimum initial dilution as defined in the 2009 California Ocean Plan for use in the Order. However, neither the ambient data used by staff to model near-field mixing nor the ambient data used by the Navy's consultant represent actual site receiving water conditions.

As a result, the Navy collected salinity and temperature data throughout the water column near the outfall in areas unaffected by the plume for two summers during the previous permit cycle. The Navy shall use the data collected and any additional data shall be collected as needed to evaluate the initial dilution of the discharge plume and to determine the appropriateness of the 136:1 dilution ratio. The Navy shall submit a dilution study work plan to the Regional Water Board for approval by the Executive Officer within 180 days of the effective date of this permit describing the timeline and procedures that will be used in the study. At a minimum, the work plan shall include the dilution model being used, a description of the sensitivity analysis, ambient conditions, and all model inputs.

### d. Treatment Plant Capacity

Generally, the Discharger shall submit a written report to the Executive Officer of the Regional Water Board within 90 days after the "30-day (monthly) average" daily dry-weather flow equals or exceeds 75 percent of the design capacity of waste treatment and/or disposal facilities. However, for the SCI WWTP, the authorized 0.025 mgd monthly average already exceeds the 75 percent capacity of the 0.03 mgd tertiary treatment plant. In the case of the SCI WWTP, the written report shall be prepared prior to any proposed WWTP changes or construction related to expansion on the island that could increase the daily flow rate to equal or exceed the design capacity. The Discharger's senior administrative officer shall sign a letter,

which transmits that report and certifies that the discharger's policy-making body is adequately informed of the report's contents. The report shall include the following:

- i. The average daily flow for the calendar month, the date on which the peak flow occurred, the rate of that peak flow, and the total flow for the day;
- ii. The Discharger's best estimate of when the monthly average daily dry-weather flow rate will equal or exceed the design capacity of the FOTW; and
- iii. A schedule for studies, design, and other steps needed to provide additional capacity for waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units.

### 3. Best Management Practices and Pollution Prevention

- a. **Storm Water Pollution Prevention Plan – Not Applicable**
- b. **Spill Clean-up Contingency Plan (SCCP)**

Within 90 days of the effective date of this Order, the Discharger is required to submit a SCCP. The SCCP shall describe the activities and protocols to address clean-up of spills, overflows, and bypasses of untreated wastewater from the Discharger's collection system or treatment facilities that reach water bodies including dry channels and beach sands. At a minimum, the plan shall include sections on spill clean-up and containment measures, public notifications, and monitoring. The Discharger shall review and amend the plan as appropriate after each spill from the Facility or in the service area of the Facility. The Discharger shall include a discussion in the annual summary report of any modifications to the plan and the application of the plan to all spills during the year.

- c. **Pollutant Minimization Program (PMP)**

Reporting protocols in the MRP (Attachment E) section X.B.4 describe sample results that are to be reported as Detected but Not Quantified (DNQ) or Not Detected (ND). Definitions for a reported ML and Method Detection Limit (MDL) are provided in Attachment A. These reporting protocols and definitions are used in determining the need to conduct a PMP as follows:

The Discharger shall develop and conduct a Pollutant Minimization Program (PMP) as further described below when there is evidence (e.g., sample results reported as DNQ when the effluent limitation is less than the MDL, sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a pollutant is present in the effluent above an effluent limitation and either:

- i. The concentration of the pollutant is reported as DNQ and the effluent limitation is less than the reported ML;
- ii. The concentration of the pollutant is reported as ND and the effluent limitation is less than the MDL, using definitions described in Attachment A and reporting protocols described in MRP section X.B.4.

The goal of the PMP shall be to reduce all potential sources of a pollutant through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial

uses are being impacted. The Regional Water Board may consider cost-effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan (PPP), if required pursuant to CWC section 13263.3(d), shall be considered to fulfill the PMP requirements.

The PMP shall include, but not be limited to, the following actions and submittals acceptable to the Regional Water Board:

- i. An annual review and semi-annual monitoring of potential sources of the reportable pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling;
- ii. Quarterly monitoring for the reportable pollutant(s) in the influent to the wastewater treatment system;
- iii. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable pollutant(s) in the effluent at or below the effluent limitation;
- iv. Implementation of appropriate cost-effective control measures for the reportable pollutant(s), consistent with the control strategy; and
- v. An annual status report that shall be sent to the Regional Water Board including:
  - (a) All PMP monitoring results for the previous year;
  - (b) A list of potential sources of the reportable pollutant(s);
  - (c) A summary of all actions undertaken pursuant to the control strategy; and
  - (d) A description of actions to be taken in the following year.

#### **4. Construction, Operation and Maintenance Specifications**

- a. Wastewater treatment facilities subject to this Order shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to CCR, title 23, division 3, chapter 26 (CWC sections 13625 – 13633).
- b. The Discharger shall maintain in good working order a sufficient alternate power source for operating the wastewater treatment and disposal facilities. All equipment shall be located to minimize failure due to moisture, liquid spray, flooding, and other physical phenomena. The alternate power source shall be designed to permit inspection and maintenance and shall provide for periodic testing. If such alternate power source is not in existence, the Discharger shall halt, reduce, or otherwise control all discharges upon the reduction, loss, or failure of the primary source of power.
- c. The Discharger shall provide standby or emergency power facilities and/or storage capacity or other means so that in the event of plant upset or outage due to power failure or other cause, discharge of raw or inadequately treated sewage does not occur.
- d. The Discharger shall update as necessary, the "Operation and Maintenance Manual (O&M Manual)" which it has developed for the treatment facility to conform to latest plant changes and requirements. The O&M Manual shall be readily available to operating personnel onsite. The O&M Manual shall include the following:

- i. Description of the treatment plant personnel organization and listing of emergency contacts.
- ii. Detailed description of safe and effective operation and maintenance of treatment processes, process control instrumentation and equipment.
- iii. Process and equipment inspection and maintenance schedules.
- iv. Description of safeguards to assure that, should there be reduction, loss, or failure of electric power, the Discharger will be able to comply with requirements of this Order.
- v. Reference to the most current SCCP.

**5. Special Provisions for Federally-Owned Treatment Works (FOTWs)**

**a. Biosolids Disposal Requirements – Refer to Attachment H**

- i. All biosolids generated at the wastewater treatment plant must be disposed of, treated, or applied to land in accordance with federal regulations contained in 40 CFR § 503. These requirements are enforceable by USEPA.
- ii. The Discharger is separately required to comply with the requirements in State Water Board Order No. 2004-0012-DWQ, *General Waste Discharge Requirements for the Discharge of Biosolids to Land for Use as a Soil Amendment in Agricultural, Silvicultural, Horticultural and Land Reclamation Activities*, for those sites receiving the Discharger's biosolids which a Regional Water Board has placed under this general order, and with the requirements in individual WDRs issued by a Regional Water Board for sites receiving the Discharger's biosolids.

**b. Collection System Requirements**

The Discharger's collection system is part of the FOTW that is subject to this Order. As such, the Discharger must properly operate and maintain its collection system (40 CFR part 122.41(e)), report any noncompliance (40 CFR parts 122.41(l)(6) and (7)), and mitigate any discharge from the collection system in violation of the permit (40 CFR 122.41(d)). See attachment D, subsections I.D, V.E, V.H, and I.C, and the following section (Spill Reporting Requirements) of this Order.

**6. Spill Reporting Requirements for FOTWs**

**a. Initial Notification**

Although State and Regional Water Board staff do not have duties as first responders, this requirement is an appropriate mechanism to ensure that the agencies that do have first responder duties are notified in a timely manner to protect public health and beneficial uses. For certain spills, overflows and bypasses, the Discharger shall make notifications as required below:

- i. In accordance with the requirements of Health and Safety Code section 5411.5, the Discharger shall provide notification to the local health officer or the director of environmental health with jurisdiction over the affected water body of any unauthorized release of sewage or other waste that causes, or probably will cause, a discharge to any waters of the state as soon as possible, but no later than **two hours** after becoming aware of the release.

- ii. In accordance with the requirements of CWC section 13271, the Discharger shall provide notification to the California Office of Emergency Services (Cal OES) of the release of reportable amounts of hazardous substances or sewage that causes, or probably will cause, a discharge to any waters of the state as soon as possible, but not later than two hours after becoming aware of the release. The CCR, Title 23, section 2250, defines a reportable amount of sewage as being 1,000 gallons. The phone number for reporting these releases to the Cal OES is (800) 852-7550.
- iii. The Discharger shall notify the Regional Water Board of any unauthorized release of sewage from its FOTW that causes, or probably will cause, a discharge to a water of the state as soon as possible, but not later than **two hours** after becoming aware of the release. This initial notification does not need to be made if the Discharger has notified Cal OES and the local health officer or the director of environmental health with jurisdiction over the affected water body. The phone number for reporting these releases of sewage to the Regional Water Board is (213) 576-6657. The phone numbers for after hours and weekend reporting of releases of sewage to the Regional Water Board are (213) 305-2284 and (213) 305-2253.

At a minimum, the following information shall be provided to the Regional Water Board:

- (a) The location, date, and time of the release;
- (b) The route of the spill including the water body that received or will receive the discharge;
- (c) An estimate of the amount of sewage or other waste released and the amount that reached a surface water at the time of notification;
- (d) If ongoing, the estimated flow rate of the release at the time of the notification; and,
- (e) The name, organization, phone number and email address of the reporting representative.

**b. Monitoring**

For spills, overflows and bypasses reported under section VI.C.6.a, the Discharger shall monitor as required below:

To define the geographical extent of the spill's impact, the Discharger shall obtain grab samples from the receiving water for all spills, overflows or bypasses of any volume that reach any waters of the state (including surface and ground waters). If a grab sample cannot be obtained due to accessibility or safety concerns, the sample shall be obtained as soon as it becomes safe to do so. The Discharger shall analyze the samples for total coliform, fecal coliform, *E. coli* (if fecal coliform tests positive), *Enterococcus*, and relevant pollutants of concern, upstream and downstream of the point of entry of the spill (if feasible, accessible, and safe). This monitoring shall be conducted daily from the time the spill is known until the results of two consecutive sets of bacteriological monitoring indicate the return to the background level or the County Department of Public Health authorizes cessation of monitoring.

**c. Reporting**

The initial notification required under section VI.C.6.a shall be followed by:

- i. As soon as possible, but **not later than twenty-four (24) hours** after becoming aware of an unauthorized discharge of sewage or other waste from its wastewater treatment plant to a water of the state, the Discharger shall submit a statement to the Regional Water Board by email at [augustine.anijelo@waterboards.ca.gov](mailto:augustine.anijelo@waterboards.ca.gov). If the discharge is 1,000 gallons or more, this statement shall certify that Cal OES has been notified of the discharge in accordance with CWC section 13271. The statement shall also certify that the local health officer or director of environmental health with jurisdiction over the affected water bodies has been notified of the discharge in accordance with Health and Safety Code section 5411.5. The statement shall also include at a minimum the following information:
  - (a) Agency, NPDES No., Order No., and MRP CI No., if applicable;
  - (b) The location, date, and time of the discharge;
  - (c) The water body that received the discharge;
  - (d) A description of the level of treatment of the sewage or other waste discharged;
  - (e) An initial estimate of the amount of sewage or other waste released and the amount that reached a surface water;
  - (f) The Cal OES control number and the date and time that notification of the incident was provided to Cal OES; and,
  - (g) The name of the local health officer or director of environmental health representative notified (if contacted directly); the date and time of notification; and the method of notification (e.g., phone, fax, email).
- ii. A written preliminary report five (5) working days after disclosure of the incident is required. Submission to the Regional Water Board California Integrated Water Quality System (CIWQS) Sanitary Sewer Overflow (SSO) event number shall satisfy this requirement as required in Attachment I. Within 30 days after submitting the preliminary report, the Discharger shall submit the final written report to this Regional Water Board. (A copy of the final written report, for a given incident, already submitted pursuant to statewide General WDRs for Wastewater Collection System Agencies (SSO WDR), may be submitted to the Regional Water Board to satisfy this requirement.) The written report shall document the information required in paragraph "d" below, monitoring results and any other information required in provisions of the Standard Provisions document including corrective measures implemented or proposed to be implemented to prevent/minimize future occurrences. The Executive Officer for just cause can grant an extension for submittal of the final written report.
- iii. The Discharger shall include a certification in the annual summary report (due according to the schedule in the MRP) that states that the sewer system emergency equipment, including alarm systems, backup pumps, standby power generators, and other critical emergency pump station components were maintained and tested in accordance with the Discharger's preventive maintenance plan. Any deviations from or modifications to the plan shall be discussed.

**d. Records**

The Discharger shall develop and maintain a record of all spills, overflows or bypasses of raw or partially treated sewage from its collection system or treatment plant. This record shall be made available to the Regional Water Board upon request and a spill summary shall be included in the annual summary report. The records shall contain:

- i. The date and time of each spill, overflow, or bypass;
- ii. The location of each spill, overflow, or bypass;
- iii. The estimated volume of each spill, overflow, and bypass including gross volume, amount recovered and amount not recovered, monitoring results as required by section VI.C.6.b;
- iv. The cause of each spill, overflow, or bypass;
- v. Whether each spill, overflow, or bypass entered a receiving water and, if so, the name of the water body and whether it entered via storm drains or other man-made conveyances;
- vi. Any mitigation measures implemented;
- vii. Any corrective measures implemented or proposed to be implemented to prevent/minimize future occurrences; and,
- viii. The mandatory information included in SSO online reporting for finalizing and certifying the SSO report for each spill, overflow, or bypass in accordance with Attachment I.

**e. Activities Coordination**

Although not required by this Order, the Regional Water Board expects that the FOTW's owners/operators will coordinate their compliance activities for consistency and efficiency with other entities that have responsibilities to implement: (i) this NPDES permit, including the Pretreatment Program if applicable, (ii) an MS4 NPDES permit that may contain spill prevention, sewer maintenance, reporting requirements and (iii) recommended coordination listed in Attachment I.

**f. Consistency with the Sanitary Sewer Overflow (SSO) WDRs**

The CWA prohibits the discharge of pollutants from point sources to surface waters of the United States unless authorized under an NPDES permit. (33 United States Code sections 1311, 1342). The Discharger's collection system is part of the FOTW that is subject to this permit. As such, pursuant to federal regulations, the Discharger must properly operate and maintain its collection system (40 CFR § 122.41(e)), report any non-compliance (40 CFR § 122.41(l)(6) and (7)), and mitigate any discharge from the collection system in violation of this NPDES permit (40 CFR § 122.41(d)). As such, the Discharger must comply with all requirements in Attachment I.

The requirements contained in this Order in Attachment I, sections VI.C.3.b (SCCP), VI.C.4 (Construction, Operation and Maintenance Specifications), and VI.C.7 (Spill Reporting Requirements) are intended to be consistent with the requirements of the SSO WDR.



**7. Other Special Provisions – Not Applicable**

**8. Compliance Schedules – Not Applicable**

**VII. COMPLIANCE DETERMINATION**

Compliance with the effluent limitations contained in section IV of this Order will be determined as specified below:

**A. General**

Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined in the MRP and Attachment A of this Order. For purposes of reporting and administrative enforcement by the Regional and State Water Boards, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the priority pollutant in the monitoring sample is greater than the corresponding effluent limitation and greater than or equal to the reporting level (RL) or minimum level (ML).

**B. Multiple Sample Data**

When determining compliance with a measure of central tendency (arithmetic mean, geometric mean, median, etc.) of multiple sample analyses and the data set contains one or more reported determinations of DNQ or ND, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

**C. Average Monthly Effluent Limitation (AMEL)**

If the average (or when applicable, the median determined by subsection B above for multiple sample data) of daily discharges over a calendar month exceeds the AMEL for a given parameter, this will represent a single violation, though the Discharger may be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). If only a single sample is collected during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger may be considered out of compliance for that calendar month. For those average monthly effluent limitations that are based on the 6-month median water quality objectives in the 2015 Ocean Plan, the daily value used to calculate these average monthly values for intermittent discharges, shall be considered to equal zero for days on which no discharge occurred. The Discharger will only be considered out of compliance for days when the discharge occurs. For any one calendar month during which no sample (daily discharge) is collected, no compliance determination can be made for that calendar month with respect to the AMEL.

If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the AMEL for a given parameter, the Discharger will have demonstrated compliance with the AMEL for each day of that month for that parameter.

If the analytical result of any single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the AMEL for any parameter, the Discharger may collect up to four additional samples within the same calendar month. All analytical results shall be reported in

the monitoring report for that month. The concentration of pollutant (an arithmetic mean or a median) in these samples estimated from the "Multiple Sample Data Reduction" section above, will be used for compliance determination.

In the event of noncompliance with an AMEL, the sampling frequency for that parameter shall be increased to weekly and shall continue at this level until compliance with the AMEL has been demonstrated.

**D. Average Weekly Effluent Limitation (AWEL)**

If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, a potential violation will be flagged and the Discharger will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. The average of daily discharges over the calendar week that exceeds the AWEL for a parameter will be considered out of compliance for that week only. If only a single sample is collected during the calendar week and the analytical result for that sample exceeds the AWEL, the Discharger will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is collected, no compliance determination can be made for that calendar week with respect to the AWEL.

A calendar week will begin on Sunday and end on Saturday. Partial calendar weeks at the end of calendar month will be carried forward to the next month to calculate and report a consecutive seven-day average value on Saturday.

**E. Maximum Daily Effluent Limitation (MDEL)**

If a 24-hour composite sample exceeds the MDEL for a given parameter, a potential violation will be flagged and the Discharger will be considered out of compliance for that parameter for that one day only within the reporting period. If no sample (daily discharge) is taken over a calendar day, no compliance determination can be made for that day with respect to effluent violation determination, but compliance determination can be made for that day with respect to reporting violation determination.

**F. Instantaneous Minimum Effluent Limitation**

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a potential violation will be flagged and the Discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples collected within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

**G. Instantaneous Maximum Effluent Limitation**

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a potential violation will be flagged and the Discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples collected within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

**H. Six-month Median Effluent Limitation**

If the median of daily discharges over any 180-day period exceeds the six-month median effluent limitation for a given parameter, a potential violation will be flagged and the Discharger will be considered out of compliance for each day of that 180-day period for that